

REMARKS/ARGUMENT

Claim 1 is independent. Claim 2 depends from claim 1. Claims 3 through 4 have been cancelled without prejudice to file a future continuation patent application.

In the Action, claims 3 through 4 were rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 3,535,103 to Whitfield (hereinafter "Whitfield"). In response, claims 3 through 4 have been cancelled without prejudice. Applicant states that this amendment now renders the above rejection moot.

In Action, the Office indicated that claims 1 through 2 are allowed. Applicant further notes receipt of Reasons for Allowance in the pending Action. In response, applicant respectfully submits that claims 1 through 2 of the instant application are allowable for the reasons set forth in the specification, as well as the arguments presented in applicant's response. Any statements set forth by the Examiner in the Reasons for Allowance which differ from that previously stated by applicant in the specification and responses filed with the U.S. Patent and Trademark Office form no basis for allowance and therefore provides no grounds for application of the Doctrine of Prosecution History Estoppel in the construction of the allowed claims.

In view of the foregoing, applicant respectfully submits that the application is now in condition for allowance and patentably distinguishes over the cited and relied upon references. Accordingly, applicant

Serial No.: 10/696,518  
Group Art Unit No.: 1742

respectfully requests favorable consideration and that the application be passed to allowance.

Dated: December 7, 2007



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